STATEMENT OF THE HONORABLE LANGHORNE BOND, FEDERAL AVIATION ADMINISTRATOR, BEFORE THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, CONCERNING AVIATION NOISE. APRIL 24, 1979.

Mr. Chairman and Members of the Subcommittee:

I welcome the opportunity to appear before you today to discuss legislation pending before your Subcommittee concerning aviation noise.

The problems of excessive aircraft noise plague literally millions of people near our airports today, and present a formidable challenge to all of us in the aviation community. Aircraft noise is by no means a new problem, having been with us largely since the advent of the jet age in the late 1950s. The problems have grown significantly with the passage of time due to steadily increasing levels of aircraft operation, new and expanded airport facilities, and, in many cases, increasing residential development around airports. Recent increases in aircraft activity have further compounded the problems experienced with aircraft noise.

It is clear that we cannot be satisfied with our efforts to date in controlling aircraft noise, and that we must continue to take positive actions to further alleviate this adverse impact on our quality of life.

The Department of Transportation has long recognized the need to reduce all aspects of transportation noise, particularly aviation noise, and has worked diligently to do just that. Without belaboring past history, I believe it is worthwhile to recall briefly some of the actions we have already taken in this respect.

As you know, the Congress first gave us authority to control aircraft noise and sonic boom in 1968, through an amendment to the Federal Aviation Act of 1958. We acted quickly to impose strict noise standards for new design jet airplanes in 1969. Since the initial issuance of Federal Aviation Regulations, Part 36, we have amended that regulation ten times over the ensuing ten years. Our amendments reflect a deliberate but progressive program to expand the scope of aviation noise controls and to increase their stringency as technology

permitted. Thus, for example, the original noise standards were expanded in 1973 to apply to new domestic production of older design airplanes such as the 707s, 727s, DC-8s, DC-9s, and 737s.

In 1976, we extended the noise standards to all large subsonic turbojet airplanes, including those built before 1973, as a condition for operation in this country. In 1977, we increased the stringency of the noise limits for the next generation of aircraft, such as the 757s and 767s, which we refer to as Stage 3 aircraft.

Along the way, we have acted in other areas of aviation noise by specifying noise limits for new-design and new-production small propeller-driven airplanes, by prohibiting sonic booms over our country from civil aircraft, by requiring and encouraging safe operational procedures which reduce noise impacts, and by extending subsonic noise limits to supersonic aircraft. I believe this program represents an effective Federal role in limiting aviation noise impacts. But, I will be the first to recognize that our regulations have not

"solved" the aviation noise problem. Regulation of aircraft noise alone will never completely eliminate noise problems, because aircraft, even the quieter new technology types, will always make some noise because of the nature of their propulsion system and their movement through the air. Safe noise abatement operation procedures and effective land use around airports can and do help, and must complement noise reduction at the source if we are to reduce the undesirable effects of aviation noise.

Though our regulations are not a panacea for the noise problem, I would like to emphasize our strong commitment to the noise regulations which we issued in December 1976. We believed at the time they were issued that they represented a balanced approach to reducing exposure of millions of Americans to aircraft noise while imposing reasonable requirements upon the airlines. We retain that belief today. In fact, one of the specific findings we had to make when we issued the regulations was that they were economically reasonable. That finding was supported by the facts. Contrasting our findings in 1976 with the situation of today--1979--when airline profits are at an all time high, it is apparent that the regulations are eminently more reasonable from an economic perspective at the

present time than they were when issued. And, I would reemphasize they were found to be economically reasonable when they were issued. Therefore, any notion that the airlines are in need of special assistance to meet the regulations seems to me to be misplaced. The burden of retrofitting an airplane is just not that great, particularly for the two and three-engine aircraft for which the costs vary from $225,000 to $300,000.

While I maintain that the cost of complying with our noise regulations is not that substantial, the failure to proceed with these regulations on a timely basis would result in substantial cost. Decreasing property values, the liability of airport proprietors for monetary damages, continuing delays in obtaining needed airport improvements--these are "pocketbook" issues which result directly from noise. Focusing on cost alone ignores, of course, the noise relief which would be offered by compliance with our noise rules to millions of people nationwide. FAA studies show compliance with our regulations will remove approximately one-third of the estimated six million airport neighbors from unacceptable noise

exposure levels, and will provide significant reductions in noise exposure for those who remain within impacted areas.

I recognize that these rules are not perfect and that is exactly why we have a proposal in the Federal Register right now. Specifically, we propose to include "re-engining" within our definition of replacement aircraft so that replacement plans which, if approved, permit bypassing our interim deadlines can incorporate in them the re-engining of aircraft to meet Stage 3 noise limits as an acceptable alternative to replacement of the entire aircraft. Further, we propose to require plans from the airlines to show how they intend to achieve compliance with our noise rules. I might add that we are already aware of the plans of several of the carriers, and we are gratified by the commitment to noise reduction they have demonstrated. For example, Delta Air Lines has announced that it has ordered retrofit kits for its fleet of 44 DC-9s, and Continental Air Lines has recently indicated to me that it will comply fully with our regulatory deadlines. And, I anticipate similar announcements from some of the other U.S. airlines in the near future.

A review of compliance plans and further discussions with manufacturers of retrofit kits will enable us to better project whether the supply of such kits will timely meet the demand. This in turn will enable us to assess in an informed manner whether waivers of our compliance deadlines may subsequently be warranted in the public interest for certain operators. I am certainly not encouraging requests for exemption from our regulations, but I do want to make it clear that we intend to be reasonable in the application of these regulations.

Another point I would like to make concerns all the discussion of encouraging the purchase of new technology aircraft. We fully agree that new technology aircraft offer substantial benefits both in terms of noise reductions and fuel efficiency. That, of course, is why we structured our noise regulations to permit waivers of interim compliance deadlines if replacement aircraft are purchased. On the other hand, retrofit offers meaningful benefits too in terms of noise relief. Our compliance regulation was carefully formulated to

require use of available, demonstrated noise reduction technology to achieve significant noise abatement. It has been suggested that some models of the smaller two and three-engine aircraft are only slightly over the required noise standards, so that meeting the standards will achieve little actual noise reduction. This is incorrect. Retrofitting of those aircraft will provide meaningful noise reductions--as much as eight decibels at locations under the approach paths. We have measured these reductions in actual operations at U.S. airports, and the application of this demonstrated retrofit technology will bring most models <u>below</u> our noise limits with meaningful noise relief provided to airport neighbors.

I remain unconvinced that the various ways of inducing the purchase of new technology aircraft which are under present consideration will in fact achieve that goal; I am convinced, though, that deferring compliance with our noise regulations will have a clear, adverse impact. One reason I am unconvinced that deferral of compliance dates is beneficial, is the uncontroverted fact that a number of carriers are already placing orders for new technology aircraft. Eastern, for

example, has already contracted for 21 B-757s and has stated they will need 100 more in the next ten years. United has already entered into a contract for 30 B-767s with the option to purchase 30 more.

Going beyond what I perceive to be the present trend toward new technology aircraft, let's focus for a moment on what is going to happen to the noncomplying aircraft which under some schemes would be permitted to continue noncomplying until a replacement aircraft is delivered. I will predict right now that most of those same noncomplying aircraft will end up retrofitted. What other solution is there? If the carrier elects to continue an aircraft in service after a replacement aircraft has been delivered, that aircraft is going to have to be retrofitted. If the carrier decides to sell the aircraft overseas, the likelihood exists that as a condition of registry the foreign country will require the aircraft to comply with noise standards. Thus, it seems clear to me that some of the proposed legislation will only delay the obvious: the retrofitting of noncomplying aircraft. I don't see where much

is gained, but I can sure see where we stand to lose a lot by failing to do what we can, and should do, to reduce aircraft noise through the current regulation.

I would like to turn now to the legislation currently pending before the Subcommittee. First, I would like to address H.R. 2440 which would extend the authority of the Secretary to obligate discretionary funds under the Airport and Airway Development Act through Fiscal Year 1980. We strongly support this legislation and, in fact, recommended last Congress that such legislation be enacted. The availability of discretionary funds has enabled us to fund a number of high priority projects which otherwise might not have been undertaken. We believe it is important that discretionary funding be retained so that the continuity of our program will not be disrupted.

I would like to discuss now the other bills before the Subcommittee: H.R. 2458, 3596, and 3547. Titles I and II of these bills are largely the same. Some minor differences exist which I won't belabor at this time. These titles address land-use compatibility planning and authorize additional funding for this purpose from the Airport and Airway Trust.

We are in general agreement with the concept of voluntary airport noise abatement and compatible land-use planning proposed in Title I, and we consider this consistent with our own programs and policies in this area. We recognize that much work needs to be done by airport proprietors and local governments in protecting the public health and welfare of airport neighbors, and have promoted such activities in our airport and airway legislative proposal, in a manner which is consistent both with overall aviation and anti-inflation policies.

We are strongly opposed to the increased funding levels of $240 million, $525 million, and $190 million which are authorized in Titles I and II of H.R. 2458, 3596, and 3547 respectively. The President's 1980 Budget contains adequate funding levels to meet all priority project needs in both the airport grants and Facilities and Equipment areas. At this time, when we should be exercising fiscal constraint, we believe that arbitrary increases in these spending levels could work against the Administration's efforts to fight inflation. We also believe that it is premature for the Congress to act in this regard, pending a comprehensive review and revision of the

Airport and Airway Development Act which expires next year. We believe that expanded funding levels should be considered as part of your overall legislative review of our proposed legislation. Our proposal, as structured, would make available more funds for noise abatement planning than have been available in the past.

Title III of the three bills differs in several respects. All, however, deal with compliance with our Part 36 noise standards. Let me first discuss the provisions of H.R. 3596 and I will then turn to the provisions of H.R. 2458 and 3547 which vary significantly from H.R. 3596.

Title III of H.R. 3596 contains a "mixed bag" of provisions, insofar as it proposes to strengthen our noise compliance regulation in Section 302; it would impose new requirements in Sections 303 and 304; and would reduce the stringency of our regulation in Section 305.

As issued, FAR Part 91.305 allows noncomplying aircraft to be operated beyond the specified interim deadlines for noise compliance if they are scheduled for replacement under an approved replacement plan. For that plan, replacement

airplanes must be scheduled for delivery before January 1, 1985, and must meet the Stage 2 noise limits prior to issuance of an original airworthiness certificate. Section 302 would not permit the approval of a replacement plan unless the replacement or re-engined aircraft meets the more stringent Stage 3 noise limits, is ordered by January 1, 1981, and scheduled for delivery before July 1, 1984. I agree fully with the inclusion of re-engined aircraft in the category of replacements, and as I mentioned a moment ago we are acting now to extend our definition of a replacement aircraft to include re-engined models meeting the Stage 3 noise limits. As you may know, United Air Lines has contracted for just such re-engining of 30 of its stretched DC-8-61s, and I believe that several other carriers will shortly announce similar plans. The difficulty with Section 302 arises, however, with replacement aircraft for the short- and medium-range aircraft, such as the 737s, DC-9s, 727s, and BAC 1-11s. The DC-9-80 will apparently meet the proposed criteria for a replacement airplane in this category, but no other new technology airplane in this size category is currently available to be ordered, and I doubt that any can be designed and fabricated for delivery by the July 1,

1984 date specified. I believe that development of such new technology models will take place, helped immensely by the impetus for the production of smaller new engines provided by the United re-engining action. But the July 1, 1984 deadline cannot effectively hurry that development.

On the other hand, Section 305 would remove the compliance deadline entirely for two-engined aircraft operated by carriers who serve primarily medium- and small-hub airports. An analysis of this provision indicates that eight air carriers would benefit from this waiver, removing approximately 200 737s and DC-9s from the compliance requirement (although roughly 35 percent of these airplanes already meet the noise standards). I believe this provision is discriminatory, Mr. Chairman, since the eight carriers involved will not have to meet the same noise restrictions which their competitors will have to meet, although in many cases they are operating on some of the same routes. It is also troublesome that some of the airports that would have operations from the exempted aircraft are those already experiencing substantial noise problems; Los Angeles, O'Hare, Atlanta, and Washington National being examples of such airports.

Section 304 would extend noise compliance requirements to foreign-registered aircraft operated in the United States after January 1, 1985. As you know, we are committed to extending our current regulation to include aircraft in international operations, if we have been unable to reach an appropriate agreement internationally. The ICAO Council is meeting on this resolution on May 1, and we will urge affirmative action then.

Section 304 is troublesome to us in three respects. First, we believe a statutory requirement is unnecessary in view of our commitment to regulatory action in this area. Second, the provision fails to contemplate the international operations of U.S. flag carriers and is thus discriminatory. Third, it references only Part 36 standards. ICAO, Annex 16 should be included since many foreign countries now require compliance with the international standards. For compliance purposes, these two standards are quite similar, and the international provision would permit greater flexibility in meeting this requirement.

Section 303 would require compliance with the stricter Stage 3 noise limits, as a requirement for issuance of an original

airworthiness certificate after January 1, 1983. The only exception would be for aircraft oredered before May 1, 1979. This section, if adopted, would prohibit further domestic deliveries of the B-727, B-737, DC-9-30 and DC-9-50 aircraft to U.S. operators. In order to continue to supply aircraft for these markets, our manufacturers will have to design and begin production of new short and medium-range aircraft before 1983. While I am convinced that the technology, as evidenced by the DC-9-80, is available, I am not convinced that such an undertaking is economically reasonable or that the time allowed is sufficient. While medium sized new technology aircraft are currently available for order, no new technology small aircraft is. Narrow decisions such as the one proposed by this section require the types of prospective factual inquiry and analysis that are so well suited to the regulatory process. The Congress has charged the FAA with responsibility for aircraft noise control and reduction of its impact. The regulatory process has, to date, provided for the extension of stricter standards as such expansion is technologically practicable and economically reasonable. The extension of Stage 3 requirements to current production aircraft is a similar next step more appropriate to regulation that legislation. This would have the added benefit of permitting all interested and affected

parties the opportunity for effective participation in the process.

I would like to focus now on Title III of H.R. 2458. This bill, in Section 303, establishes a waiver provision through which the Secretary may grant exemptions from compliance with our noise regulations when "good cause," as defined in the section, is shown. We believe the provision is unnecessary since we already possess the authority to grant exemptions from our regulations when doing so is in the public interest.

We do not support the provision not only because it is unnecessary but because it can only lead to expectations on the part of the airlines that a ready solution exists for failing to comply with our regulations. We believe that the American public expects that the noise compliance mechanism be geared to encourage full and timely compliance rather than encouraging ways to avoid compliance.

Section 304 of H.R. 2458 is particularly troublesome. Briefly, the section would require waivers from compliance with our noise regulations for operators who enter into binding contracts for Stage 3 replacement aircraft. For two and three-engine aircraft, a contract must be entered into by

January 1, 1983, and for four-engine aircraft by January 1, 1985. I should emphasize that January 1, 1985, is the final date we have set for full compliance with our rules, yet, in the case of four-engine aircraft, this provision, if adopted, would require only that a contract be completed by that time. This section is most objectionable to us as it would permit the continued operation of noncomplying aircraft for some undefinable period into the future. Noise impacted citizens nationwide deserve better. They, and airport operators, have counted on 1985 as the ultimate date for full compliance with our noise regulations and I firmly believe that commitment should be upheld.

H.R. 3547 is similar in a number of respects to H.R. 3596 and 2458. It does have one major difference worth noting. It would provide a financing mechanism, using the CAB, to permit carriers to recover, through surcharges, money spent on compliance with the noise regulations. Although we recognize that the funding provision is not "automatic", we nevertheless do not support its enactment. The Airline Deregulation Act of 1978 authorizes carriers to raise their fares up to 5 percent.

Should such increases be inadequate in the future, the CAB already possesses the legal authority to grant justified fare increases. We see no need for a "special" Congressionally established ratemaking process to be prescribed.

Mr. Chairman, I must admit feeling a little uncomfortable that my message today is so replete with critical observations about the pending legislation. Nevertheless, we do appreciate your providing this forum for discussion of these important issues, and I do offer one positive recommendation. Permit us to proceed with our regulation as it currently stands, with the refinements we are proposing. And allow us to enforce compliance with the regulation as we intend to. We issued the regulation in December 1976, believing it to be the best available approach for achieving meaningful noise abatement for the citizens of this country without imposing an unreasonable burden on our air transportation system. With minor "tuning", I believe the regulation still represents the best balancing of those factors. With your support we can make it work.

In closing, I would restate that the regulation includes provisions for granting exemptions when a true hardship might result--indeed, such rights exist for exemption from any regulation. We are fully aware that narrow-sighted insistence on adherence with any regulatory requirement could work against the public interest.

That completes my prepared statement, Mr. Chairman. We will, of course, be pleased to respond in greater depth to the issues raised by the legislation than was possible in my brief statement.